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Order

October 11, 2019

Hon. Freda L. Wolfson, Chief Judge
U.S. District Court, District of New Jersey
Clarkson S. Fisher Federal Building &
U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Takata v. Riot Blockchain, Inc., et al.*
Civil Action No.: 3:18-cv-02293-FLW-ZNQ

Dear Judge Wolfson:

I write on behalf of Court-appointed Lead Plaintiff Dr. Stanley Golovac to make two requests concerning the format and timing of Plaintiff's forthcoming response(s) in opposition to three pending motions to dismiss filed by Defendant Mark Groussman (ECF No. 131); Defendant Mike Dai (ECF No. 132); and Defendant John Stetson (ECF No. 134) in the above-referenced matter.

First, on September 20, 2019, the Court granted Plaintiff's request to file one omnibus brief in response to four motions to dismiss. *See* ECF No. 124. Plaintiff now requests permission to respond to the three remaining motions to dismiss (ECF Nos. 131, 132, 134) with an additional omnibus opposition brief of no more than 30 pages in 12-point font. Together, the memoranda in support of Defendants' three pending motions to dismiss total 68 pages (ECF Nos. 131-1, 132-1, 134-1). Given the interconnected factual issues set forth in Plaintiff's operative complaint (ECF No. 73), on which each motion focuses, Plaintiff believes that a single 30-page omnibus brief will be most efficient for the Court and for all parties involved, rather than the filing of three separate briefs of up to 40 pages each. *See* L.R. 7.2(b).

Second, Plaintiff requests that the omnibus brief referenced above be filed on October 28, 2019, which is the same day that Plaintiff's opposition to Defendant John Stetson's Motion to Dismiss (ECF No. 134) is due pursuant to the Stipulation and Order filed on September 26, 2019 (ECF No. 129). This, of course, also requires an extension of the deadline for Plaintiff to file his response to Defendant Groussman's and Defendant Dai's motions to dismiss (ECF Nos. 131, 132), which are currently due on October 21, 2019.

To summarize, Plaintiff respectfully requests that an omnibus response brief be permitted in response to the pending motions (ECF Nos. 131, 132, 134) and that the brief will be due on October 28, 2019.

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On Wednesday, October 9, 2019 Plaintiff contacted counsel for Defendants Groussman, Dai, and Stetson regarding this request. As of the date of this letter, Plaintiff has not heard back from counsel for Defendants Groussman and Stetson. Counsel for Defendant Dai does not oppose Plaintiff's proposed date of October 28, 2019 for responding to the motions to dismiss, but does oppose Plaintiff's request to file an omnibus brief.

We appreciate the Court's consideration to this request.

Respectfully,

/s/ Joseph J. DePalma

Joseph J. DePalma

cc: All Counsel (Via ECF)

*Plaintiff is to file one omnibus response to ECF Nos. 131, 132, 134
of no more than 30 pages in size 12 font on Oct 28, 2019*

IT IS SO ORDERED:

Freda L. Wolfson

FREDA L. WOLFSON
U.S. CHIEF DISTRICT JUDGE

10/17/2019